

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 20147-AG21-0113-006

IN THE MATTER OF: )

Amy Lynn Miller )  
335 Bell Street, )  
Saint Clair, MO 63077 )

Applicant. )

Type of Agency Action: Enforcement )

License Application #: 831165 )

**FILED**

APR 14 2021

STATE OF INDIANA  
DEPT. OF INSURANCE

### **FINAL ORDER**

The Enforcement Division of the Indiana Department of Insurance ("Department"), by counsel, Victoria Hastings, and Amy Lynn Miller ("Applicant"), a nonresident producer applicant, signed an Agreed Entry which purports to resolve all issues involved in the above-captioned cause number, and which has been submitted to the Commissioner of the Indiana Department of Insurance ("Commissioner") for approval.

The Commissioner, after reviewing the Agreed Entry, which places Applicant on probation for a period of two (2) years, during which time, Applicant will be required to submit a current list of appointments to the Department by US Postal Service every six (6) months from the date of this Final Order due to administrative action having been taken against Applicant's certified nurse's aide (CNA) license by the Missouri Department of Social Services, Division of Aging, finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between parties. The Commissioner hereby incorporates the Agreed Entry, attached, as if fully set forth herein, and approves and adopts in full the Agreed Entry as a resolution of this matter.

**IT IS THEREFORE ORDERED** by the Commissioner as follows:

1. Applicant's nonresident producer license shall be approved, and Applicant shall be placed on probation for a period of two (2) years, beginning the date the Commissioner signs this Final Order.
2. During the probationary period, any violation of Title 27 of the Indiana Code will result in the Department seeking immediate revocation of Applicant's license.
3. During the probationary period, Applicant shall submit a current list of appointments to the Department by US Postal Service every six (6) months from the date of this Final Order.

4-14-2021  
Date Signed

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

Victoria Hastings, Attorney  
ATTN: Steven A. Embree, Investigator  
Indiana Department of Insurance  
311 West Washington St, Suite 103  
Indianapolis, Indiana 46204-2787

Amy Lynn Miller  
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Saint Clair, MO 63077

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**AGREED ENTRY**

This Agreed Entry is executed by and between the Enforcement Division of the Indiana Department of Insurance ("Department"), by counsel, Victoria Hastings, and Amy Lynn Miller ("Applicant"), to resolve all issues in the above-captioned cause number. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner of the Indiana Department of Insurance ("Commissioner").

WHEREAS, on December 2, 2020, Applicant applied for an Indiana nonresident producer license;

WHEREAS, on said application, Applicant disclosed that on or around February 26, 1998, the Missouri Department of Social Services, Division of Aging, took administrative action against Applicant's Certified Nurse's Aide ("CNA") license number 36446A by placing Applicant on an Employee Disqualification List for one (1) year ;

WHEREAS; an investigation conducted by the Missouri Department of Social Services concluded that on or around November 22, 1997, while employed as a CNA at Sullivan Nursing

and Rehabilitation Center in Sullivan, Missouri, Applicant physically and verbally abused a long-term care resident;

WHEREAS, Indiana Code § 27-1-15.6-12(b)(8) states, in part, that the Commissioner may place a producer on probation for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere; and

WHEREAS, the Department and Applicant (collectively, the “Parties”) desire to resolve this matter without the necessity of a hearing.


IT IS, THEREFORE, NOW AGREED by and between the Parties as follows:

1. The Commissioner has jurisdiction over the subject matter and the Parties to this Agreed Entry.
2. In order to avoid formal litigation in this matter, Applicant has determined that it is in her best interest to enter into this Agreed Entry. As such Applicant acknowledges that she executes this Agreed Entry with full realization of its contents and effects.
3. This Agreed Entry is executed knowingly, voluntarily, and freely by the Parties. The Parties agree that the terms of this Agreed Entry constitute final resolution of this matter.
4. Applicant knowingly, voluntarily and freely waives the right to a public hearing on this matter, including the right to appear in person before the Commissioner, present evidence, cross-examine witnesses, and present arguments.
5. Applicant knowingly, voluntarily and freely waives the right to judicial review of this matter or otherwise appeal or challenge the validity of this Agreed Entry.

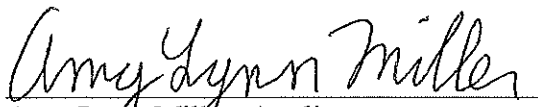
6. Applicant knowingly, voluntarily and freely waives, releases, and forever discharges all claims or challenges, known or unknown, against the Department, its Commissioner, employees, agents, and representatives, in their individual and official capacities, that arise out of or are related to the Agreed Entry or Final Order, including but not limited to any act or omission as part of the underlying audit, investigation, negotiation, or approval process.
7. Applicant's nonresident producer license shall be approved, and Applicant shall be placed on probation for a period of two (2) years, beginning the date the Commissioner signs the Final Order adopting this Agreed Entry. During the probationary period, any violation of Title 27 of the Indiana Code will result in the Department seeking immediate revocation of Applicant's license. During the probationary period, Applicant shall submit a current list of appointments to the Department every six (6) months from the date of the Final Order by US Postal Service.
8. Applicant has carefully read and examined this Agreed Entry and fully understands its terms.
9. Applicant has had the opportunity to have this Agreed Entry reviewed by legal counsel of her choosing, at her own expense, and is aware of the benefits gained and obligations incurred by the execution of this Agreed Entry. Applicant understands and agrees that the Department cannot give her legal advice.
10. Applicant has entered into this agreement freely, and has not been subject to duress, coercion, threat, or undue influence.
11. This Agreed Entry constitutes the entire agreement between the Parties, and no other promises or agreements, express or implied, have been made by the

19. Should this Agreed Entry not be accepted by the Commissioner, it is agreed that presentation to, and consideration of this Agreed Entry by the Commissioner, shall not unfairly or illegally prejudice the Commissioner or Applicant from further participation in or resolution of these proceedings.
20. If this Agreed Entry is accepted by the Commissioner, it will become part of Applicant's permanent record and may be considered in future actions brought by the Department or any other regulator against Applicant. It is further understood that, if accepted by the Commissioner, the Agreed Entry and resulting Final Order are public records pursuant to Indiana Code § 4-21.5-3-32 that may not be sealed or otherwise withheld from the public, and may be reported to the National Association of Insurance Commissioners, and published on the Department's website as required.
21. Applicant acknowledges that this is an Administrative Action and that she may be required to report to other jurisdictions in which she is licensed and on future applications.

3/25/2021  
Date Signed

  
Victoria Hastings, Attorney #34052-29  
Indiana Department of Insurance

3/12/21  
Date Signed

  
Amy Lynn Miller, Applicant

STATE OF MISSOURI                    )  
  ) SS:  
COUNTY OF Franklin            )

Before me a Notary Public for Franklin County, State of Missouri,  
personally appeared Amy Lynn Miller, and being first duly sworn by me upon her oath, says that  
the facts alleged in the foregoing instrument are true.

Signed and sealed this 12<sup>th</sup> day of March, 2021.

Mary J. Glastetter  
Signature

Mary J Glastetter  
Printed

My Commission expires: 4/13/2024

County of Residence: Franklin

Return executed originals to:  
INDIANA DEPARTMENT OF INSURANCE  
Enforcement Division, Suite 103  
311 West Washington Street  
Indianapolis, IN 46204-2787  
317/234-5883 - telephone  
317/234-5882 – facsimile

